



WEB COPY



W.P. No. 8924 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKARAVARTHY

W.P. No. 8924 of 2024

and

W.M.P. No. 9946 of 2024

S.SeemonArulraj

... Petitioner

-VS-

1. The Director of Elementary School Education
DPI Campus
Chennai – 600006.

2. The District Educational Officer
Hosur Educational District
Krishnagiri District.

3. Block Educational Officer
Soolagiri Block
Krishnagiri District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka. No. 1679/A2/2023 dated 15.03.2024 and quash the same and consequently direct the respondents to drop all further proceedings against the petitioner pursuant to the charge memo in Na.Ka.1679/A3/2023 dated 27.10.2023.



W.P. No. 8924 of 2024

For Petitioner : Ms. Dakshayani Reddy
Senior Counsel
M/s. S.Suneetha

For Respondents : Ms. S.Mythreye Chandru
Special Government Pleader (RR1 to 3)

ORDER

Heard Ms. Dakshayani Reddy, learned senior counsel appearing for the petitioner and Ms. S.Mythreye Chandru, learned Special Government Pleader who takes notice for the first to third respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The writ petitioner is a secondary grade teacher.

3. A charge memorandum was issued against him on 27.10.2023 containing the charge that the petitioner is involved with the activity of a church and has contested in the election and functioning as a secretary.

4. The petitioner has already submitted an explanation that such an action would not amount to misconduct. The petitioner had earlier filed a writ petition in W.P.(MD) No. 20641 of 2022 in which by judgment dated 26.09.2022 orders



W.P. No. 8924 of 2024

were passed directing the respondents to pass the final order in the enquiry leaving it open for the petitioner to raise all his contentions before the authorities. Pursuant thereto before passing the final order, a communication dated 15.03.2024 is issued by the District Elementary Education Officer to the petitioner stating that whether the petitioner would resign from the secretaryship and inform within a period of 7 days. Challenging the same, this Writ Petition is filed.

5. When the writ petition came up for hearing, this Court posted a question to the learned counsel for the petitioner that it is still open for the petitioner to contest that he can still continue as Secretary of the church and contest before the respondents that it does not amount to misconduct. The respondents were only making an attempt to resolve the issue before passing the order on merits and to that learned Senior Counsel replied that the petitioner is ready to resign from the Secretaryship of the said church but however that should not be taken as if the petitioner has admitted the charge and further punishment should not be imposed on the petitioner.

6. In that view of the matter, the learned Special Government Pleader was requested to take instructions from the respondents and the matter was passed



W.P. No. 8924 of 2024

over. When the matter is called in the afternoon, the learned Special Government Pleader would submit that if the petitioner tenders his resignation and submits the proof in respect thereof, the same would be accepted and the matter would be closed.

7. In that view of the matter, now the learned Senior Counsel appearing for the petitioner would submit that within 7 days from today the petitioner will tender his resignation and submit proof before the respondents.

Recording the same, the Writ Petition is disposed of. Consequently, W.M.P. No. 9946 of 2024 is closed. No costs.

01.04.2024

Index: Yes/No

NCS: Yes/No

Speaking order/Non-speaking order

Maya

To

1. The Director of Elementary School Education
DPI Campus
Chennai – 600006.
2. The District Educational Officer
Hosur Educational District
Krishnagiri District.



W.P. No. 8924 of 2024

3. The Block Educational Officer
Soolagiri Block
Krishnagiri District.



WEB COPY



W.P. No. 8924 of 2024

D.BHARATHA CHAKARAVARTHY, J.

Maya

W.P. No. 8924 of 2024

01.04.2024